IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTYSEVENTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16391 OF 2005

Between:

Ramgiri Sugunakar & Ors. … Petitioners

Versus

The Collector, Adilabad district

& Anr. … Respondents

Counsel for the Petitioner: Mr. SRI RAM KRISHNA MURTHY

Counsel for the Respondent: GOVT.PLEADER FOR REVENUE

O R D E R :

Questioning the action of the respondents 1 and 2 in seeking to dispossess the first petitioner in survey no.115 and 59/19 in an extent of Acs:1-00 and Acs:3-70; second petitioner in survey no.59/19 and 59/39 in an extent of Acs:3-10 and Ac:0-50; third petitioner in survey nos.115 and 59/19 in an extent of Acs:0-53 and Ac:1-67; fourth petitioner in survey nos. 115 and 59/19 in an extent of Acs:0-52 and Acs:1-67; fifth petitioner in survey nos.115 and 59/19 in an extent of Acs:0-52 and Ac:1-66 and

sixth petitioner in survey no.59/19 in an extent of Acs:3-00 situate at Chintalamanepalli village of Kowtala Mandal, Adilabad district and consequently direct the respondents not to interfere with their peaceful possession and enjoyment over the said land, as illegal, improper, arbitrary and violative of the principles of natural justice.

The petitioners submit that they are the agriculturists in possession of the aforesaid land to the extent mentioned above, since three decades without any objection. The petitioners submit that their possession is being shown in the revenue records and they are paying land revenue to the Government.

The main grievance of the petitioner is that the second respondent at the instance of some vested interest is trying to dispossess the petitioners from the petition schedule land to benefit the persons in whom they are interested. But the petitioners are not resourceful and they are not in a position to safeguard their possession in the absence of any protective order of this court. Therefore, the high handed action of the respondents in trying to dispossess the petitioners without due process of law as arbitrary and violative of Article 14 of the Constitution of India, which amounts to deprivation of property protected under Article 30-A of the Constitution of India.

Considering the facts and circumstances of the case, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage, directing the respondents not to dispossess or interfere with the possession and enjoyment of the first petitioner in survey no.115 and 59/19 in an extent of Acs:1-00 and Acs:3-70; second petitioner in survey no.59/19 and 59/39 in an extent of Acs:3-10 and Ac:0-50; third petitioner in survey nos.115 and 59/19 in an extent of Acs:0-53

and Ac:1-67; fourth petitioner in survey nos. 115 and 59/19 in an extent of Acs:0-52 and Acs:1-67; fifth petitioner in survey nos.115 and 59/19 in an extent of Acs:0-52 and Ac:1-66 and sixth petitioner in survey no.59/19 in an extent of Acs:3-00 situate at Chintalamanepalli village of Kowtala Mandal, Adilabad district, without following due process of law. However, this order does not preclude the respondents from contemplating any action established under law or due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 27th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.